



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of Winona *County: Winona
(city, county, municipality, government agency or other entity)

*Mailing address: 207 Lafayette Street

*City: Winona *State: MN *Zip code: 55987

*Phone (including area code): 507-457-8279 *E-mail: knelson@ci.winona.mn.us

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Nelson *First name: keith
(department head, MS4 coordinator, consultant, etc.)

*Title: Assistant City Manager for Public Works

*Mailing address: 207 Lafayette Street

*City: Winona *State: MN *Zip code: 55987

*Phone (including area code): 507-457-8279 *E-mail: knelson@ci.winona.mn.us

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Douglas First name: Paul
(department head, MS4 coordinator, consultant, etc.)

Title: Environmental, Health & Safety Coordinator

Mailing address: 207 Lafayette Street

City: Winona State: MN Zip code: 55987

Phone (including area code): 507-457-8255 E-mail: pdouglas@ci.winona.mn.us

Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

Certification (All fields are required)

- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Judy Bodway
(This document has been electronically signed)

Title: City Manager Date (mm/dd/yyyy): 11-25-2013

Mailing address: 207 Lafayette Street

City: Winona State: MN Zip code: 55987

Phone (including area code): 507-457-8234 E-mail: jbodway@ci.winona.mn.us

Note: The application will not be
processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☒ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

We do partner with The Mississippi River-Winona Watershed Project.(non-MS4)

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☐ Yes ☒ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☐ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

The City of Winona will review its ordinances and update them as necessary to meet permit requirements regarding Illicit Discharge Detection and Elimination within 12 months of permit coverage being extended.

Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☐ Yes ☒ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☐ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

- ☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg*.

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐ Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City of Winona will review its ordinances and update them as necessary to meet permit requirements regarding construction site runoff control within 12 months of permit coverage being extended.

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. BMP maintenance | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

We will be developing a form from the BMP's from the MPCA's information page on how to do inspections and will make a form to record rain fall. In 12 months of permit coverage being extended.

Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities? ☐ Yes ☒ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☐ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules

☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

☐ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg*.

- B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
 - a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of Total Suspended Solids (TSS).
 - 3) Stormwater discharges of Total Phosphorus (TP).
 - b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of TSS.
 - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
 - a. Limitations
 - 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
 - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☐ Yes ☒ No
 - a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
 - d) Where soil infiltration rates are more than 8.3 inches per hour.
 - 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way ☐ Yes ☒ No

during the project planning process.

4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference: ☐ Yes ☒ No
 - 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
 - b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☐ Yes ☒ No
 - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☐ Yes ☒ No
 - d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No
 - e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☐ Yes ☒ No
 - f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). ☐ Yes ☒ No
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☐ Yes ☒ No
 - b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☐ Yes ☒ No
 - c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

We will be contacting a Consulting firm to help us rewrite our City Ordinance and come up with a training program to meet the requirements. To be completed with in 12 month of permit coverage being extended.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:
ReviewSWPPP and make adjustments to the new requirements. Within 6-8 months.

B. Describe your ERPs:

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

GIS system

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
4. All receiving waters. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172, Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☒ Yes ☐ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☒ Yes ☐ No
2. A geographic coordinate. ☒ Yes ☐ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☒ Yes ☐ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*. ☐ Yes ☒ No

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

At the current time we have used mailers in the utility billing to inform the public on storm water. We have also worked with the Mississippi River-Winona Watershed project in publishing and distribution of newsletter. Also on a limited basis we have a web page tab for stormwater.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Distribute Educational Materials	The City has included informational flyers with a utility billing. The billing and flyer has reached all residents of the City of Winona. One flyer per year. Also a newsletter has gone out.
Implement an Education Program	The City has included informational flyers with a utility billing. The billing and flyer has reached all residents of the City of Winona. One flyer per year.
SWPPP document	Is on line on the web site
Website	We have a link on the City of Winona web site about storm water with general information and FAQ.
BMP categories to be implemented	Measurable goals and timeframes
Website update	We will be updating the web site with more information within 3 to 6 months
Flyers	Develop new flyers for mailer. Within the first 3 months

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Paul Douglas EHS Coordinator

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

We have had some open public meeting allowing people to voice their opinion on the issues.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual Public Meeting	Once a year
Public notice	30 day notice in local paper

Labeling of Storm drains	A small numbers of the drains have been done
BMP categories to be implemented	Measurable goals and timeframes
Civic groups attaching signs to drains	10 % of drains marked in the next two years.

3. Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Paul Douglas EHS Coordinators

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

Revisit and revise

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☐ Yes ☒ No
- Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☐ Yes ☒ No
- Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☐ Yes ☒ No
- Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. ☐ Yes ☒ No
- Procedures for the timely response to known, suspected, and reported illicit discharges. ☐ Yes ☒ No
- Procedures for investigating, locating, and eliminating the source of illicit discharges. ☐ Yes ☒ No
- Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No
- When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

We will be contacting a Consulting firm to help us rewrite our City Ordinance and come up with a training program to meet the requiments. To be completed with in the next 12 months of permit coverage being extended..

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Review and revise ordinance yearly to meet the standards
BMP categories to be implemented	Measurable goals and timeframes
Training	Responsible party will participate in training for identifying illicit discharges on a yearly basis
Inspections Documentation	Create documentation forms and maintain in data base. To be completed with in the next 12 months of permit coverage being extended..

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

We will be contacting a Consulting firm to help us rewrite our City Ordinance and come up with a training program to meet the requiments. To be completed with in the next 12 months.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Paul Douglas EHS Coordinator

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

At this time we have an ordindnce that requires a permit for any construction site.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):

- Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☒ Yes ☐ No
- Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☒ Yes ☐ No
- Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☒ Yes ☐ No
- Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - Does your program include procedures for identifying priority sites for inspection? ☐ Yes ☒ No
 - Does your program identify a frequency at which you will conduct construction site inspections? ☐ Yes ☒ No
 - Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☒ Yes ☐ No
 - Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☐ Yes ☒ No

- e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
- f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
- g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

We will be contacting a Consulting firm to help us rewrite our City Ordinance and come up with a training program to meet the requirements. To be completed with in the next 12 months.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Review and revise ordinance yearly to meet the standards
BMP categories to be implemented	Measurable goals and timeframes
Training	Responsible party will participate in training for identifying BMP's on a yearly basis
	Create documentation forms and maintain in data base. To be completed with in the next 12 months of permit coverage being extended..
Inspections Documentation	

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Paul Douglas EHS Coordinator

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

Revise and Revisit.

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☐ Yes ☒ No
- b. All supporting documentation associated with mitigation projects that you authorize? ☐ Yes ☒ No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☐ Yes ☒ No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☐ Yes ☒ No

We will be contacting a Consulting firm to help us rewrite our City Ordinance and come up with a training program to meet the requiments. To be completed with in the next 12 months.

- Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Paul Douglas EHS Coordinator

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Training	Video was watched once.
BMP categories to be implemented	Measurable goals and timeframes
Training	Responsible party will participate in training for identifying pollution prevention and good housekeeping operations on a yearly basis
Inspections Documentation	Create documentation forms and maintain in data base To be completed with in the next 12 months of permit coverage being extended...

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☐ Yes ☒ No
- a. If **no**, continue to 6.
- b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:
- 1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☐ Yes ☐ No
- 2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☐ Yes ☐ No
- c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☐ Yes ☐ No
6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No
7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☐ Yes ☒ No
8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:
- a. Addresses the importance of protecting water quality? ☐ Yes ☒ No
- b. Covers the requirements of the permit relevant to the duties of the employee? ☐ Yes ☒ No
- c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☐ Yes ☒ No
9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

We will be contacting a Consulting firm to help us rewrite our City Ordinance and come up with a training program to meet the requirements. To be completed with in the next 12 months.

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Paul Douglas EHS Coordinator

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No

1. If **no**, continue to section VII.
2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No

1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program

**ORDINANCE 3696
AN ORDINANCE TO AMEND
THE CODE OF THE CITY OF
WINONA, MINNESOTA
1979**

The City of Winona does ordain:

Section 1. That the Code of the City of Winona, Minnesota, 1979, be amended by adding thereto the following chapter:

"CHAPTER 68 - STORMWATER MANAGEMENT

68.01 Definitions

Unless specifically defined below, the words or phrases used in this chapter shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "must" are always mandatory and not merely directive.

Applicant: Any person or entity that applies for a building permit or for subdivision approval. Applicant also means that person's agents, employees, and others acting under that person's direction.

Best Management Practices (BMPs): Erosion and sediment control and stormwater management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, and other management practices published by state or designated area-wide planning agencies. (Examples of BMPs can be found in the current versions of the Minnesota Pollution Control Agency's publications, "Minnesota Stormwater Manual", the United States Environmental Protection Agency's, "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices", Minnesota Department of Transportation's, "Erosion Control Design Manual" and "Erosion Control Handbook for Local Roads", and the Metropolitan Council's "Minnesota Urban Small Sites BMP Manual" as supplemented and amended from time to time).

Buffer: A protective vegetated zone located adjacent to a natural resource, such as a lake stream or wetland, that is subject to direct or indirect human alteration. Such a buffer strip is an integral part of protecting an aquatic ecosystem through filtering pollutants and providing adjacent habitat. For a stream, the width of a buffer strip is the width along each bank of the stream. Therefore, a 30 foot wide stream with 100-foot

wide buffer strips has a total width of 230 feet. Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation.

City Water Plan: A comprehensive local water management plan as the same may be prepared and adopted by City pursuant to Minnesota Statutes, Chapter 462.

Developer: A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

Discharge: The release, conveyance, channeling, runoff, or drainage of stormwater, including snowmelt, from a construction site.

Disturbance: see definition for Land Disturbing Activity.

Drainageways: Any natural or constructed channel which provides a course for water flowing either continuously or intermittently.

Energy Dissipation: This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

Erosion: Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control: Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Erosion and Sediment Control Practice: The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the state, City, or local watershed group, whichever is more stringent.

Exposed Soil Areas: All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of gravel, concrete or bituminous. Once soil is exposed it is considered "exposed soil," until it meets the definition of "final stabilization."

Filter Strips: A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

Final Stabilization: Final stabilization means that:

- a. all soil disturbing activities at the site have been completed, and

b. a uniform perennial vegetative cover with a density of seventy-five (75) percent of the native background vegetative cover for unpaved areas has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization. (Examples of vegetative cover practices can be found in the current version of the Minnesota Department of Transportation's publications, "2003 Seeding Manual", "2003 District Seeding Recommendations", and "Standard Specifications for Construction", as supplemented and as amended from time to time.)

Fuel Reduction Zone: An area around a structure or structures in which the continuity and arrangement of vegetation is modified through the removal of stressed, diseased, dead or dying trees and shrubs, thinning and prune of larger trees and shrubs to eliminate the continuous fuel surrounding a structure.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 68.08 of this chapter.

Illicit Connections: An illicit connection is defined as either of the following:

a. any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but no limited to any conveyance which allows any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

b. any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Land Disturbing Activity: Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the City's jurisdiction. This may include, but is not limited to, 1) a disturbance to the land that results in a change in the topography, 2) disturbance of the existing soil cover (both vegetative and non-vegetative cover), or 3) a disturbance of the existing soil topography that may result in accelerated stormwater runoff. Land disturbing activity includes clearing and grubbing, grading, excavating, transporting and filling of land for all new construction and redevelopment. Ongoing operations and maintenance activities for existing facilities such that any single activity does not exceed project

sizes specified in paragraphs D and E of Section 68.03 are not considered land disturbing activity.

MPCA: Minnesota Pollution Control Agency.

Native Vegetation: Native vegetation means plant species that are indigenous to the local region, or that expand their range into the local region without being intentionally or unintentionally introduced by human activity and are classified as native in the Minnesota Plant Database.

Normal Water Level: Normal water level means the water level in a natural water body or constructed pond having an outlet or overflow control structure that is the lowest water level held by the outlet or overflow structure.

NPDES: National Pollutant Discharge Elimination System.

NRCS: Natural Resources Conservation Service.

Operator: The person (usually the general contractor), designated by the owner, who has day-to-day operational control and/or the ability to modify project plans and specifications related to the stormwater management plan.

Ordinary High Water Level: Minnesota Statute 103G.005, subdivision 14 states that the Ordinary High Water level means the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and

a. the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

b. for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and

c. for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

The term ordinary high water mark is further defined in Minnesota Rule 6120.2500, subpart 11, as amended from time to time. Ordinary high water marks are determined by the Minnesota Department of Natural Resources' area hydrologist.

Outstanding resource value waters: Outstanding resource value waters are waters of the state with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution.

Paved Surface: A constructed hard, smooth surface made of gravel, asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

Permanent Cover: Means “final stabilization.” Examples include vegetative cover composed primarily of grasses, and hard surfaces, such as gravel, asphalt, and concrete. See also the definition of “final stabilization.”

Phased and Connected Land Disturbing Activities: Two or more projects that include land disturbing activities by the same developer that will have environmental effects on the same geographic area and will occur sequentially over a three-year time period.

Sediment: The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth’s surface either above or below water level.

Sedimentation: The process or action of depositing sediment.

Sediment Control: The methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, other appropriate measures, and temporary or permanent sedimentation basins.

Shoreland: All lands located within the following distance from the normal highwater mark of a public water:

- a. 1,000 feet from a lake pond or reservoir;
- b. 300 feet from a river or stream.

Soil: The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this chapter stockpiles of gravel, aggregate, concrete or bituminous materials are not considered “soil” stockpiles.

Special Waters: Special Waters are as defined in the MPCA’s general permit to discharge storm water associated with construction activity under the National Pollutant Discharge Elimination System/State Disposal System permit, part B.1 through B.8 of Appendix A (Permit No: MN R100001 and all subsequent versions). Special waters include but are not limited to DNR designated Trout Stream and MPCA designated Outstanding Resource Value Water as per most recent listing.

Stabilized: The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, or other material that prevents erosion. Simply sowing grass seed is not considered stabilization.

Stormwater: Under Minnesota Rule 7077.0105, subpart 41b stormwater, “means precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.” (According to the Federal Code of Regulations under 40 CFR 122.26 [b][13], “Stormwater means stormwater runoff, snow melt runoff and surface runoff and drainage.”). Stormwater does not include construction site dewatering.

Stormwater Detention Facility: A permanent constructed ponding facility, used for the storage of runoff to control the peak discharge rates and provide gravity settling of pollutants.

Stormwater Management Plan: A joint stormwater management and erosion and sediment control plan that is prepared in compliance with the requirements for a Stormwater Pollution Prevention Plan (SWPPP) in the Minnesota NPDES General Stormwater Permit for Construction Activity (MN R100001 or subsequent permits). A Stormwater Management Plan when implemented will provide for both temporary and permanent control of soil erosion on a parcel of land, prevent off-site non-point source pollution, and control stormwater rates and volumes. Land disturbing activities disturbing greater than one acre of land are required to obtain a Minnesota NPDES General Stormwater Permit for Construction Activity in addition to complying with requirements of the City.

Structure: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

Subdivision: Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule 6120.2500, subpart 17 defines subdivision as, “. . . land that is divided for the purpose of sale, rent, or lease, including planned unit development.”

SWCD: Soil and Water Conservation District.

SWPPP : Storm Water Pollution Prevention Plan.

Temporary Protection: Short-term methods employed to prevent erosion. Examples of such protection include: straw, mulch, erosion control blankets, wood chips, and erosion netting.

TMDL: Total Maximum Daily Limits.

Trout Streams: Trout streams are those stream segments listed in Minnesota Rules 6264.0050, subpart 4.

Urban: Of, or relating to, characteristic of, or constituting a city.

Vegetated or Grassy Swales: A vegetated earthen channel that conveys stormwater, while treating the stormwater by biofiltration. Such swales remove pollutants by both filtration and infiltration.

Wetlands: As defined by the Wetland Conservation Act, as amended from time to time.

68.02 Purpose

The purpose of this chapter is to control or eliminate stormwater pollution, soil erosion and sedimentation within the City. This chapter establishes standards and specifications for erosion and sediment control and stormwater management, which minimize stormwater flow rates and pollution, soil erosion and sedimentation, flooding; and prohibit illicit connections and illegal discharges to the stormwater management system.

68.03 Scope and Effect

A. Applicability

1. All applicants for a building permit or subdivision approval shall be in compliance with the requirements of this chapter.
2. Small site projects as defined in Section 68.08 E shall be in compliance with an Erosion and Sediment Control Plan.
3. Large site projects as defined in Section 68.03 D shall be in compliance with the Stormwater Management Plan approved for the project.
4. Harvesting or removal of silvicultural (forestry) crops shall be in compliance with an Erosion and Sediment Control Plan approved for the project.
5. Exempted projects are encouraged to follow applicable Best Management Practices.
6. No building permit shall be issued nor shall a subdivision be approved until the stormwater management plan has been approved or a waiver of the stormwater management plan has been obtained in conformance with the provisions of this chapter.

B. Plan Compliance

All stormwater management plans must be prepared in accordance with the City Plans, City permits, TMDL allocation plans, and other special district plans as shall be adopted and amended from time to time.

C. Joint Responsibility

The owner and the general contractor shall both be identified on the stormwater management plan permit application. The general contractor who signs the application is jointly responsible with the owner for compliance with the permit conditions.

In the event that any provision of this Chapter conflicts with any other applicable plan or regulation, the more restrictive regulation shall apply.

D. Large Site Projects.

Large site projects requiring a Stormwater Management Plan in accordance with Section 68.05 of this chapter are defined as any one of the following:

1. Commercial or Industrial Land Use – all land disturbing activities greater than 4000 square feet for commercial and industrial land uses, or phased and connected land disturbing activities that cumulatively disturb more than 4000 square feet within a three year period.
2. Subdivisions, except lot splits that will result in no more than four (4) single-family lots and will not require the construction of shared access drives or other road improvements.
3. Single-family properties with greater than 1 acre of disturbed land area.
4. Excavation or fill of greater than 1,000 cubic yards of material.
5. Any alteration of the course, current, or cross-section of natural or constructed drainageways.
6. Any other land disturbing activities greater than 1 acre not exempted in paragraph F of Section 68.03.
7. No land disturbing activities shall be permitted in slopes of eighteen (18) percent or more unless special arrangements and protective measures are developed as part of the Stormwater Management Plan, approved and secured by appropriate financial assurances as per paragraph M of Section 68.07.

E. Small Site Projects.

Small site projects requiring an erosion and sediment control plan in accordance with Section 68.04 of this chapter are redevelopment and new construction defined as follows:

1. Commercial or Industrial Land Use – all land disturbing activities greater than 1,000 square feet and less than 4,000 square feet for commercial and industrial land uses.
2. Single-family properties with more than 1,000 square feet within any shoreland area, and more than 6,000 square feet of disturbed area outside of any shoreland area but less than 1 acre of land disturbing activity.
3. Excavation or filling in excess of 100 cubic yards of material.
4. Public and private roads or driveways on slopes any part of which exceeds 12%.
5. Linear electric, telephone, cable television, utility lines or individual service connections to these utilities in excess of 1,000 feet in length.
6. Any other land disturbing activities greater than 1,000 square feet not exempted in paragraph F of Section 68.03.

7. No land disturbing activities shall be permitted in slopes of eighteen (18) percent or more unless special arrangements and protective measures are developed, approved and secured by appropriate financial assurances as per paragraph M of Section 68.07.

F. Use of Best Management Practices.

All land disturbing activities not specifically included in either the large site or small site classification shall incorporate erosion and sediment control best management practices when undertaking land disturbing activities.

All harvesting, thinning or removal of silvicultural (forestry) activities shall follow the guidelines set forth by the Minnesota Forest Resources Council's publication *Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers* (1999, Minnesota Forest Resources Council, St. Paul, Minnesota.
<http://www.frc.state.mn.us/FMgdline/Guidebook.html>).

G. Exemptions.

The provisions of this chapter do not apply to:

1. Any activity that disturbs less than 1,000 square feet of land or any activity that disturbs less than 6,000 square feet on single-family properties outside any shoreland areas;
2. Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date of this chapter;
3. Any site plans approved on or before the effective date of this chapter;
4. A lot for which a building permit has been approved on or before the effective date of this chapter;
5. Ongoing operations and maintenance activities for existing facilities such that any single activity does not exceed project sizes specified in paragraphs C and D of Section 68.03.
6. Installation and maintenance of fence, sign, telephone, and electric poles and other kinds of posts or poles;
7. Minor land disturbance activities such as home gardens and lawn maintenance; or
8. Tilling, planting, or harvesting of agricultural or horticultural crops, or planting of silvicultural (forestry) crops, or for such removals for maintenance activities, but such activities shall implement SWCD and NRCS approved erosion control practices.
9. Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would

have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.

H. NPDES General Stormwater Permit for Construction Activity

Land disturbing activities disturbing greater than one acre of land are required to obtain a Minnesota NPDES General Stormwater Permit for Construction Activity in addition to complying with requirements of the City.

I. Waiver

The City Council may waive any requirement of this chapter upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in Sections 68.07 and 68.08. The City Council may require, as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

68.04 Small Site Projects; Erosion and Sediment Control Plan; Application Procedures

A. Application Process.

1. A written application for erosion and sediment control plan approval, along with the proposed erosion and sediment control plan, shall be filed with the Department of Community Development, when applicable as per paragraph D of 68.03 of this chapter. The application shall include a statement indicating the purpose for which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this chapter.

2. Two sets of clearly legible copies of drawings and required information shall be submitted to the Department of Community Development and shall be accompanied by all applicable fees. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be 1 inch equals 50 feet.

3. The erosion and sediment control plan must be reviewed and approved by the City Engineer prior to issuance of a small site project stormwater management plan permit.

B. Erosion and sediment control plan. At a minimum, the erosion and sediment control plan shall contain the following information for all work, except as determined otherwise by staff:

1. Identification and description;
2. Applicant's name and address;
3. Legal description and address;

4. Names, addresses, and phone numbers of the primary contact, record owner, and an agent, land surveyor, and engineer, if any;

5. Names, addresses, and phone numbers of the primary contact for project general contractor shall be submitted prior to start of any land disturbing activities;

6. General location map;

7. Date of preparation on any maps provided;

8. Existing conditions:

a. Boundary lines of proposed plan;

b. Existing drainage, utility, and other easements;

c. Existing zoning classifications for land within and abutting the development;

d. Acreage and lot dimensions;

e. Location of existing roads, property lines and structures;

f. Location and dimensions of existing natural waterways and stormwater drainage systems;

g. Location of existing natural water bodies including lakes, streams, and wetlands on or immediately adjacent to property, as well as normal water level and ordinary high water level; and

h. Vegetative cover, wooded areas, and a clear delineation of any vegetation proposed for removal.

3. A site construction plan. At a minimum, the site construction plan shall include the following:

a. Locations and dimensions of all proposed land disturbing activities;

b. Locations and dimensions of all temporary soil or dirt stockpiles;

c. Any temporary easements needed during construction.

4. Checklist. A completed erosion and sediment control plan checklist specifying the erosion and sediment control practices to be utilized (available from the City Engineering Department) shall be submitted. Both the applicant and the contractor shall sign the erosion and sediment control plan checklist certifying their understanding of the measures and that penalties may be exacted by the City for failure to comply with the measures agreed upon.

5. Additional Information. Any other information pertinent to the particular project that, in the opinion of the City, is necessary for the review of the project.

68.05 – Large Site Projects; Stormwater Management Plan Application Procedures

A. Application Process.

A written application for stormwater management plan approval, along with the proposed stormwater management plan, the stormwater pollution prevention plan (SWPPP) required by the NPDES General Construction Permit, and site construction plan, shall be filed with the Department of Community Development, when applicable, as per paragraph C of Section 68.03 of this chapter. The application shall include a statement indicating the purpose for which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this chapter. Prior to applying for approval of a stormwater management plan, an applicant may have the stormwater management plan reviewed by the appropriate departments of the City. The SWPPP may be substituted for applicable portions of the stormwater management plan.

The stormwater management plan must be reviewed and approved by the City Engineer prior to issuance of a large site project stormwater management permit.

B. Submittals

1. Two sets of clearly legible copies of drawings, the stormwater management plan and the site construction plan shall be submitted to the Department of Community Development and shall be accompanied by all applicable fees. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be 1 inch equals 50 feet.

2. The stormwater management plan shall contain the information required for compliance with the most recent requirements for a Storm Water Pollution Prevention Plan (SWPPP) as part of the Minnesota Pollution Control Agency's NPDES/SDS "Application for General Stormwater Permit for Construction (MN R100001)", including all applicable special provisions.

3. A copy of the NPDES General Construction Permit (if required) must be submitted as part of the stormwater management plan.

4. The stormwater management plan and the site construction plan shall meet all of the requirements set forth in Section 68.07 of this chapter.

5. The owner must develop a SWPPP prior to submitting any large project stormwater management permit application and prior to conducting any land disturbing activity. The SWPPP must be a combination of narrative, plan sheets and, if appropriate, standard detail sheets that address the foreseeable conditions, at any stage in the construction or post construction activities.

6. Existing conditions plan including:

- a. Boundary lines of proposed plan;
- b. Existing topography shown at 2 foot contour intervals;
- c. Existing drainage, utility, and other easements;
- d. Existing zoning classifications for land within and abutting the development;
- e. Acreage and lot dimensions;
- f. Location of existing roads, property lines and structures;
- g. Location and dimensions of existing constructed and natural stormwater drainage systems, with flow direction indicated;
- h. Location and distance from limits of construction of existing natural water bodies including lakes, streams, and wetlands on or immediately adjacent to property, as well as normal water level and ordinary high water level;
- i. Vegetative cover, wooded areas, and a clear delineation of any vegetation proposed for removal;

7. A site construction plan including:

- a. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
- b. Erosion and sediment control measures for all temporary soil or dirt stockpiles;
- c. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this chapter;
- d. Provisions for maintenance of the construction site erosion control measures during construction; and

e. Any temporary easements needed during construction.

8. For storm water discharges from construction activities where the owner or operator changes, the new owner or operator can implement the original SWPPP created for the project, or develop and implement their own SWPPP. The new owner or operator must notify the Department of Community Development of permit transfer/modification within 7 days of assuming control of the site or commencing work on-site, or of the legal transfer, sale or closing on the property.

9. Owners and operators shall ensure either directly or through coordination with other permittees that their SWPPP meets all terms and conditions of the stormwater management permit and that their activities do not render another party's erosion and sediment control and stormwater management plans ineffective.

10. A maintenance plan indicating the responsible party or parties charged with the long-term maintenance, repair, or replacement of any privately owned stormwater conveyance and retention facilities. Such plan shall also include information on the intended final ownership of the properties containing such facilities and the means by which inspection, maintenance, repair, or replacement shall be funded and accomplished.

11. Lot sizes, layout, numbers and preliminary dimensions of lots and blocks;

12. Minimum building setback lines as required by the zoning ordinance;

13. Areas and size of areas other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use;

14. Finished grading shown as 2 foot contours to clearly indicate the relationship of proposed changes to existing topography and remaining features;

15. A drainage plan of the developed site delineating in which direction and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect;

16. Location of proposed public sewer and water mains;

17. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials and proposed ground cover (final stabilization) which will be added to the site as part of the development;

18. Hydrologic calculations for stormwater runoff volume, velocities, and peak flow rates for the 2-yr, 24-hour critical event, 10-yr, 24-hour critical event, and 100-yr, 24-hour critical event;

19. Bankfull discharge rate (typically, the 1.5 year recurrence interval) of creek or stream if there is a waterway on the site or if the site discharges directly to a waterway;

20. Normal water level, high water level, and emergency overflow elevations for ponding areas on the site;

21. Any other information pertinent to the particular project that, in the opinion of the City, is necessary for the review of the project.

C. Alteration of the Course, Current, or Cross-section of Natural or Constructed Drainageways.

Land disturbing activities that alter natural or constructed drainageways require that the stormwater management plan shall additionally contain the following information:

1. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
2. A drainage plan of the developed site delineating in which direction and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect;
3. Hydrologic calculations for stormwater runoff volume, velocities, and peak flow rates for the 2-yr, 24-hour critical event, 10-yr, 24-hour critical event, and 100-yr, 24-hour critical event;
4. Bankfull discharge rate (typically, the 1.5 year recurrence interval) of creek or stream if there is a waterway on the site or if the site discharges directly to a waterway;
5. Any other information pertinent to the particular project that, in the opinion of the City, is necessary for the review of the project.

D. Models/Methodologies/Computations.

Hydrologic models and design methodologies used for determining runoff characteristics and analyzing stormwater management structures shall be approved by the City Engineer. Plans, specifications and computations for stormwater management facilities submitted for review shall be signed by a registered professional engineer. All computations shall be submitted for review, unless otherwise approved by the City Engineer.

E. Legal documents

Legal documents for securing temporary or permanent easements as necessary shall be submitted for review.

68.06 Erosion and Sediment Control Plan and Stormwater Management Plan Review Procedures

A. Process

The review process varies according to the type of permit required (subdivision, building, or land disturbing activities not requiring a building permit).

1. Small Site Erosion and Sediment Control Plans. The applicant and contractor are encouraged to review proposed activities with the City Engineer prior to completing plans for land disturbing activities. The City Engineer may suggest

alternative methods of construction and erosion and sediment control that will assist the applicant in complying with this chapter. Plans must be submitted as required under Section 68.04 of this chapter and be reviewed by the City Engineer.

2. Large Site Stormwater Management Plans. Stormwater management plans meeting the requirements of Section 68.05 of this chapter shall be reviewed by the City Engineer for compliance with Section 68.07 of this chapter. If the proposed activity is permitted to be administratively reviewed and approved by staff, then staff shall incorporate the findings of compliance into the review procedure. If Planning Commission or City Council approval of a project is required, the findings of the City Engineer's review for compliance under this chapter shall also be forwarded to the Planning Commission. Whether reviewed administratively or by the Council, findings of fact shall be determined and the project may be 1) approved, 2) approved with conditions, or 3) denied with findings.

B. Duration

Approval of an erosion and sediment control plan or stormwater management plan submitted under the provisions of this chapter shall expire one year after the date of approval unless construction has commenced in accordance with the plan. Prior to the date of expiration, the applicant or their agent may submit to the Department of Community Development a written request for an extension of time to commence construction activities. This request shall include the reasons for the requested extension and a projected timetable for construction and completion. An extension of not greater than one single year may be granted by the department. Receipt of any request for an extension shall be acknowledged by the department within 15 days and a final decision on the extension shall be made within 30 days of receipt.

C. Conditions.

A stormwater management plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this chapter are met. Such conditions may include, but not be limited to, limiting the size, kind or character of the proposed development, requiring the construction of structures, drainage facilities, storage basins and other facilities, requiring replacement of vegetation, establishing required monitoring procedures, staging the work over time, requiring alteration of the site design to ensure buffering, and require the conveyance to the City or other public entity of certain lands or interests therein.

D. Financial Securities.

The applicant for a large site project permit shall provide security for the performance of the work described and delineated on the approved stormwater management plan and any related remedial work and legal fees in an amount equal to 125% of the

engineer's estimated cost for implementation of erosion and sediment control measures and construction of permanent stormwater management practices.

The form of the security for a large site project shall be one or a combination of the following to be determined by the City:

- a. Letter of credit in a form acceptable to the City Attorney.
- b. Cash in U. S. currency or certified check.
- c. For larger stormwater facilities for large multi-home developments or commercial and industrial projects, a performance bond naming the City as a co-beneficiary in an amount equal to 125% of the total cost of both the temporary erosion and sediment control measures for construction and permanent stormwater management practices shall be posted with the City.

The applicant for a small site project permit shall not be required to provide security for the performance of the work. The applicant for a small site project permit shall be subject to the provisions of Section 68.09 – Enforcement.

E. Maintaining the Financial Security.

If at any time during the course of the work the financial security falls below 50% of the required deposit, the applicant shall make another deposit in the amount necessary to restore the cash deposit to the required amount. If the applicant does not bring the financial security back up to the required amount within seven (7) days after notification by the City that the amount has fallen below 50% of the required amount the City may:

1. Withhold the scheduling of inspections and/or issuance of a Certificate of Occupancy.
2. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites with the City's jurisdiction.

F. Action Against the Financial Security.

The City may act against the financial security if any of the conditions listed below exist.

1. The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the erosion and sedimentation control plan or stormwater management plan.
2. The applicant fails to conform to the erosion and sedimentation control plan or stormwater management plan as approved by the City.
3. The techniques utilized under the erosion and sedimentation control plan or stormwater management plan fail within one year of installation and the owner fails to take corrective action.
4. The applicant fails to reimburse the City for corrective action taken.

G. City Use of Funds

The City shall use funds from this security to finance remedial work undertaken by the City or a private contractor under contract with the City and to reimburse the City for all direct costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

H. Returning the Financial Security.

The security deposited with the City for faithful performance of the erosion and sedimentation control or stormwater management plan and any related remedial work shall be released one full year after the completion of the installation of all stormwater management measures as shown on the stormwater management plan.

I. Fees.

All applications for stormwater management plan approval and appeals shall be accompanied by a processing fee as determined by the Council and set forth in Section 51.01 of the Code.

68.07 Stormwater Management Plan Approval Standards

A. Approval.

No stormwater management plan which fails to meet the standards contained in this section shall be approved.

B. Compliance with Other Plans.

All stormwater management plans must be prepared in accordance with the City Plans, City permits, TMDL allocation plans, and other special district plans as adopted and amended from time to time.

C. Compliance with NPDES Requirements.

The stormwater management plan shall contain the information required for compliance with the most recent requirements for an application for General Stormwater Permit for Construction (MN R100001) as part of the Minnesota Pollution Control Agency's NPDES/SDS in Minnesota Rules Chapter 7090, including all applicable special provisions.

D. Site Dewatering.

Water pumped from the site for dewatering purposes shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls. Water may not be discharged in a manner that causes erosion or flooding of the site, adjoining sites, downstream sites, or receiving channels, wetlands, or other water bodies.

E. Waste and Material Disposal .

All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of off-site and not allowed to be carried into a receiving channel, or storm sewer system, or onto adjoining properties.

F. Tracking and Dust Control.

1. Each site shall have graveled roads, access drives, rock entrances and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private paved road shall be removed by street cleaning (not flushing) before the end of each workday.

2. The applicant shall keep the surface of any and all construction work areas and haul roads moist by spraying with uncontaminated water so as to prevent, not just reduce, airborne dust. This responsibility shall require the applicant to suspend construction or haul traffic until such time as the applicant can and does prevent airborne dust. The applicant shall not overspray so as to create problems, such as tracking of material onto paved surfaces, or muddy haul roads, due to the application of excess moisture.

G. Drain Inlet Protection.

All storm drain inlets shall be protected during construction until control measures are in place with a inlet floc sock, compost logs, filter berms, silt fence, rock logs, rock dams, or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication "Minnesota Stormwater Manual (2005)."

All drain inlet protection measures shall be cleaned when accumulated sediment exceeds 30% of the sediment trapping capacity.

H. Site Erosion Control

The following criteria apply only to construction activities that result in runoff leaving the site. All such measures shall be clearly shown on the SWPPP.

1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical, and in a manner that will not erode the conveyance and receiving channels. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas.

2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subsections a and b, or a and c.

a. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November, or sodded, erosion control matting, or mulch or other equivalent soil stabilization control measure.

b. For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area equivalent to at least one percent of the area draining to the basin, an average depth of at least three feet, and be constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate and velocity shall also be sufficiently low so as to not cause erosion along the discharge channel or the receiving water.

c. For sites with less than ten acres disturbed at one time, silt fences, rock logs, fiber logs, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fence, rock logs, or other equivalent barriers meeting generally accepted design criteria shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, rock logs, fiber logs, or equivalent control measures requires that the SWPPP include a maintenance and inspection schedule.

4. All site sediment control measures such as floc socks, compost logs filter berms, silt fences, rock logs, rock dams, or equivalent sediment barriers shall be cleaned when accumulated sediment exceeds 30% of the sediment trapping capacity or dead storage volume.

5. Final stabilization shall be completed following completion of all land disturbing activities. Within seven days of completion of all land disturbing activities, all disturbed areas must be stabilized by seeding and mulching. Areas that need to be seeded after this date should be dormant seeded in late October or early November, or sodded, erosion control matting, or mulch or other equivalent soil stabilization control measure. All disturbed areas not restored to turf grass lawn shall be seeded with an approved seed mix that contains appropriate native grasses, legumes or forbs. Seed establishment procedures specified in *Restoring & Managing Native Wetland & Upland Vegetation*. R. L. Jacobson, Minnesota Board of Soil & Water Resources and Minnesota Department of Transportation. (2006 and subsequent updates) may be used. Seed mixtures developed by the Board of Soil and Water Resources or the Minnesota Department of Transportation and approved by the City shall be used.

6. Any soil or dirt storage piles containing more than ten cubic yards of material, the down slope toe of the pile shall not be located within 25 feet of a roadway or drainage channel. If remaining for more than seven days, storage piles shall be stabilized by placing mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing rock logs, fiber logs, or silt fence barriers, or other equivalent sediment barriers around the pile.

7. In-street utility repair or construction soil or dirt storage piles located within 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the storm drain inlets must be protected with rock logs, fiber logs, or other appropriate filtering barriers.

8. All erosion control measures shall be inspected by the operator once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.

I. Stormwater Management Criteria for Permanent Facilities

1. The applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage increased runoff so that the two-year, ten-year, and 100-year critical storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.

2. The City may require, at its discretion, an applicant to make an in-kind or monetary contribution to the development and maintenance of publicly-owned stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.

3. The applicant shall give consideration to reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

4. The following stormwater management practices shall be used in developing a stormwater management plan, in the following descending order of preference:

- a. Natural infiltration of precipitation on-site;
- b. Flow attenuation by use of open vegetated swales and natural depressions;
- c. Stormwater detention facilities.

A combination of successive practices may be used to achieve the applicable minimum control requirements specified in Section 68.07 I.1. Justification shall be provided by the applicant for the method selected.

J. Design Standards – Stormwater Detention Facilities.

Permanent stormwater detention facilities shall be designed according to the most current technology as reflected in the MPCA publication “Minnesota Stormwater Manual” (2005), as supplemented and amended from time to time and shall conform to, at a minimum, the following design factors:

1. A permanent pond volume, when present, equal to 1800 cubic feet per acre of area draining to the pond;
2. An permanent pool depth, when present, of three feet minimum to ten feet maximum;
3. A recommended permanent pool length – to – width ratio of 1.5:1 or greater;
4. A minimum protective shelf extending ten feet into the permanent pool with a slope of 10:1, beyond which slopes should not exceed 3:1, and above which slopes should not exceed 4:1;
5. A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of 25 feet;
6. All stormwater detention facilities shall have a skimming device to keep oil, grease, and other floatable material from moving downstream during a 2 year storm;
7. Stormwater detention facilities for new development must be sufficient to limit peak flows to those that existed before the development for the 2, 10 and 100-year storm events. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the stormwater management plan;
8. All stormwater detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin;
9. Ponds shall have a 20-foot access easement, if not located along a roadway;
10. Buildings shall have a minimum setback of 30 feet from the Normal Water Level of the pond;
11. Buildings shall have a minimum floor elevation two (2) feet above the pond High Water Level;
12. Ponds shall incorporate multi-staged outlets as necessary;
13. The Normal Water Level, the 1-year, 2-year and 10-year High Water Level and the 100-year High Water Level for all ponds must be clearly indicated on all plans;
14. The vegetation in the 10:1 bench area of proposed ponds shall be consistent with the surrounding native vegetation and shall be approved by the City;

15. All disturbed areas shall be seeded with an approved seed mix that contains appropriate native grasses, forbs and legumes.

K. Requirements For Discharges To Special Waters

1. Additional BMPs together with enhanced runoff controls, are required for discharges to the following special waters. The BMPs identified for each special water are required for those areas of the project draining to a discharge point on the project that is within 2,000 feet of a special water and flows to that special water.

2. Discharges directly to or to tributaries directly to Minnesota Department of Natural Resources designated Trout Streams must incorporate all of the BMPs outlined in this section. This pertains to discharges directly to or upstream of such waters unless diversion is not practical and/or the soil is not suitable for storm water infiltration techniques.

3. Discharges directly to or to tributaries directly to Minnesota Pollution Control Agency designated Outstanding Resource Value Waters must incorporate the BMPs outlined in paragraph 9 below. This pertains to discharges directly to or upstream of such waters unless diversion is not practical and/or the soil is not suitable for storm water infiltration techniques.

4. Where the proximity to bedrock precludes the installation of any of the permanent storm water management practices outlined here, other treatment such as grassed swales, smaller ponds, or grit chambers are required prior to discharge to surface waters.

5. For work on road projects where the lack of right of way precludes the installation of any of the permanent storm water management practices outlined here, other treatment such as grassed swales, smaller ponds, or grit chambers are required prior to discharge to surface waters.

6. During construction:

a. All exposed soil areas with a slope of 3:1 or steeper, that have a continuous positive slope to a special water must have temporary erosion protection or permanent cover within 3 days after the area is no longer actively being worked. All other slopes that have a continuous positive slope to a special water must have temporary erosion protection or permanent cover within 7 days after the area is no longer actively being worked.

b. Temporary sediment basin must be used for common drainage locations that serve an area with five (5) or more acres disturbed at one time.

7. Post construction: The water quality volume that must be treated by the project's permanent storm water management system shall be one (1) inch of runoff from the new impervious surfaces created by the project.

8. Buffer zone. An undisturbed buffer zone of not less than 100 linear feet from the special water (not including intermittent tributaries) shall be maintained at

all times. Exceptions from this requirement for areas, such as water crossings or limited water access, are allowed if the applicant fully documents in the SWPPP the circumstances and reasons that the buffer encroachment is necessary. All potential water quality, scenic and other environmental impacts of these exceptions must be minimized and documented in the SWPPP for the project.

9. Enhanced runoff controls. The permanent storm water management system must be designed such that the pre and post project runoff rate and volume from the 1-year, and 2-year, 24-hour precipitation events remains the same.

10. Temperature Controls. The permanent storm water management system must be designed such that the discharge from the project will minimize any increase in the temperature of trout stream receiving waters resulting from the 1, and 2-year 24-hour precipitation events. This includes all tributaries of designated trout streams within the section that the trout stream is located. Projects that discharge to trout streams must minimize the impact using one or more of the following measures, in order of preference:

- a. Minimize new impervious surfaces.
- b. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls.
- c. Infiltration or evapotranspiration of runoff in excess of pre-project conditions (up to the 2-year 24-hour precipitation event).
- d. If ponding is used, the design must include an appropriate combination of measures such as shading, filtered bottom withdrawal, vegetated swale discharges or constructed wetland treatment cells that will limit temperature increases. The pond should be designed to draw down in 24 hours or less.
- e. Other methods that will minimize any increase in the temperature of the trout stream.

L. Wetlands.

All projects must meet the requirements of the Minnesota Wetland Conservation Act.

M. Steep Slopes.

No land disturbing activities shall be allowed on slopes of 18 per cent or more, as measured over horizontal distances of 50 feet or more, unless evidence can be presented to the satisfaction of the City that special protective measures will result in no negative water quality impacts for a 2-year, 24-hour storm event.

1. As part of the Stormwater Management Plan the applicant shall provide to the City Engineer for review and approval:

a. An erosion control plan and site plan for the site prepared by a registered engineer having knowledge and experience in civil engineering and hydrology.

b. A revegetation plan meeting the standards set forth herein shall be prepared by a registered landscape architect or registered engineer, with sufficient experience in slope stabilization, landscaping installation, and maintenance to ensure the success of the plans they propose.

2. Approval of the erosion control plan and the revegetation plan shall be obtained from the City Engineer prior to issuance of any building permit for the site or for any land disturbing activity not requiring a building permit.

3. The City shall inspect the site during construction to ensure compliance with the approved plan.

N. Notification.

The permittee shall notify the City prior to start of land disturbing activity and when final stabilization of the site has been completed.

O. Inspection and Maintenance.

All stormwater management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff. The City Engineer, or designated representative, may inspect all stormwater management facilities during and after construction as deemed necessary by the City. The inspection records will be kept on file at the Engineering Department. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.

P. Models/methodologies/computations.

Hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the City Engineer. Plans, specifications and computations for stormwater management facilities submitted for review shall be signed by a registered professional engineer. Plans, specifications and computations for stormwater management facilities submitted for review shall be signed by a registered professional engineer. All computations shall be submitted for review, unless otherwise approved by the City Engineer.

1. All pond design and hydrologic calculations must be submitted showing the methods and data used to determine runoff volume, runoff rates, and

routing of stormwater flows through ponds and/or channels. For example, when using SCS methods, data and calculations would include curve numbers and times of concentration and how they were determined.

2. All pond calculations submitted shall describe existing soil on the site.

3. All drainage maps submitted for the existing and proposed conditions should show 2-foot contours, with drainage areas clearly labeled. Drainage area maps should be scaled no less than 1:50.

Q. Easements.

If a stormwater management plan involves diversion of some or all runoff off the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

R. Landscape Preservation Standards.

1. Design and construction methods must preserve the native vegetation and natural landscape features, lessen physical and visual damage to the natural terrain, streams, vegetation and other natural characteristics and features of the landscape that may be damaged or altered by development. Removal of woody vegetation shall be restricted on bluffs, steep slopes and within the structure setback area to maintain stable soil conditions.

2. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. A buffer composed of native vegetation shall be maintained adjacent to lakes, streams, and wetlands.

3. Plant materials (trees, shrubs, grasses, etc.) shall be removed only when necessary for completion of construction activities. Clear cutting shall not be permitted unless part of an approved site development plan, with the exception of an authorized public service, such as public roads.

4. The rear and side yard setback areas shall be maintained in a natural vegetative state consistent with the natural surroundings. Cutting, pruning and trimming of trees shall be based on sound forest management practices for each individual tree species.

5. Revegetation and reforestation of materials removed during construction shall include utilization of native or similar horticultural material and shall be completed during the first planting season after construction.

6. Topsoil shall be removed prior to any grading or excavation and shall be saved for replacement during revegetation.

7. Building site placement shall minimize damage to vegetation and the natural terrain. Installation methods and location of utilities shall result in the least damage to the natural environment.

8. New landscaping shall incorporate the natural topography and vegetation of the surrounding area.

68.08 Stormwater and Urban Runoff Pollution Control

A. Illegal Disposal.

1. No person shall throw, deposit, place, leave, maintain, or keep or permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land in the City, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.

2. No person shall intentionally dispose of leaves, dirt, or other landscape debris into a street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

B. Illegal Discharges and Illicit Connections.

1. No person shall cause any illegal discharge to enter the municipal stormwater system unless such discharge: (1) consists of non-stormwater that is authorized by an NPDES point source permit obtained from the MPCA; or (2) is associated with fire fighting activities.

2. No person shall use an illicit connection to intentionally convey non-stormwater to the City stormwater system.

C. Good Housekeeping Provisions.

Any owner or occupant of property within the City shall comply with the following good housekeeping requirements:

1. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm drain systems may occur. This section shall apply to both actual and potential discharges.

2. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provision of the City's Code.

3. Storage of Materials, Machinery, and Equipment.

a. Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

b. Any machinery or equipment which is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.

D. Removal of Debris and Residue.

All motor vehicle parking lots located in areas susceptible to runoff shall be kept clean of debris and residues. Such debris shall be collected and disposed of properly.

Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which are located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through the County of Winona collection program or at any other appropriate disposal site and shall not be placed in a trash container.

68.09 Enforcement

A. Notification of Failure of the Erosion and Sediment Control Plan or Stormwater Management Plan.

1. Notification by City. The City shall notify the permit holder of the failure of the erosion and sediment control plan or stormwater management plan measures. The initial contact will be to the parties listed on the application and/or the stormwater management plan. Forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion and sediment control measures or stormwater management plan, the City, at its discretion, may begin corrective work.

2. Erosion Off-Site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, may more than seven (7) calendar days go by without corrective action being taken. If in the opinion of the City, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required.

3. Erosion/Sediment Deposition into Streets, Wetlands, or Water Bodies. The applicant shall immediately cleanup and repair any eroded soils (including tracked soils from construction activities) or sediment that has entered, or appears likely to enter, streets, wetlands, or other water bodies. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup and repair operations.

4. Failure to Do Corrective Work. When an applicant fails to conform to any provision of this chapter within the time stipulated, the City may take the following actions.

a. Issue a notice of administrative offense and subject the applicant to the administrative penalties set forth in the schedule of offenses and penalties in Chapter 22.33 of the Winona City Code.

b. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

c. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.

d. Direct the correction of the deficiency by City staff or by a separate contract. The issuance of a permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting deficiencies in the erosion and sediment controls and stormwater management facilities.

e. All costs incurred by the City in correcting erosion and sediment controls and stormwater management deficiencies shall be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from the applicant's financial securities.

f. If there is an insufficient financial amount in the applicant's financial securities to cover the costs incurred by the City, then the City may assess the remaining amount against the property.

B. Notification of Need for Maintenance, Repair, or Replacement of Existing Private Stormwater Facilities of a Non-Critical Nature.

If, upon inspection, the City finds that any private stormwater management facilities require maintenance, repair, or replacement, but such deficiencies do not create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities; the party or parties responsible for the continued operation of the facilities shall be given written notice of the findings, the actions required to correct the situation, and a timetable by which such activities must be completed. Such parties shall have 15 days to reply to the City indicating their response to the notice.

If the responsible party or parties do not complete the necessary activities stipulated by the City Public Works Department, the City, after notice, may order that such activities be completed by the City or its designated contractor and that all costs associated with such activities be certified by the City Engineer to the Council. The amount so charged shall be a lien upon the properties benefiting from and utilizing the stormwater facilities maintained, repaired or replaced and shall be added to, become, and form part of the taxes next to be assessed and levied upon such properties. The Council shall, by appropriate resolution, assess the above-mentioned costs against said properties, and certify the same to the County. The same shall be collected and enforced in the same manner as the collection of real estate taxes.

C. Operator Responsibility.

The operator (usually the general contractor) is jointly responsible with the owner for compliance with all portions of the permit and stormwater management plan prior to final completion of construction activities.

D. Penalties.

Any violation of the terms of this chapter is a misdemeanor and each day the violation continues is a separate misdemeanor. Any cost incurred by the City in compelling conformance with the provisions of this chapter shall be paid by the property owner and the City may assess such costs against the property to be included in taxes.

68.10 Right of Entry and Inspection.

The applicant shall allow the City and their authorized representatives, upon presentation of credentials to:

1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.
2. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.
4. Inspect the stormwater management measures.
5. Sample and monitor any items or activities pertaining to stormwater management measures.

68.11 Abrogation and Greater Restrictions

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

68.12 Severability

The provisions of this chapter are severable, and if any provision of this chapter, or application of any provision of this chapter to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this chapter shall not be affected thereby.

Section 2. That Chapter 63 of said Code, which chapter is entitled "Excavations or Land Disturbing Activity" be repealed in its entirety.

Section 3. That Section 51.01 of said Code, which sets forth the fees to be charged by the City, be amended by adding thereto the following:

“Stormwater management plan permit: small site: \$100; large site \$200; appeal to City Council: \$50.”

Section 4. That paragraph (a) of Section 22.12 of said Code, which section is entitled "Department of Public Works", be amended as follows:

"(a) Creation and Functions. The department of public works is hereby established. The functions of the department of public works shall include the following:

(1) Construct, inspect, operate and maintain the City's public works facilities including water supply facilities, storm drains, streets, sewers, the sewage treatment plant, electrical installations, City-owned buildings, airport, levee and flood control projects, and such other City installations as are not assigned to another department or which may be assigned by the City Manager.

(2) Enforce, through the appropriate officers and divisions and other sub-organizational units, the laws and regulations relating to work done in public streets and ways. The Director of Public Works and the City Engineer shall have the power to issue citations for violations of Chapter 68 of the Winona City Code.

(3) Maintain in efficient operable condition automotive and other equipment of the City not otherwise assigned to another department for maintenance and to keep possession and inventory control records of the central stores assigned to the department of public works.

(4) Perform or direct all phases of engineering work required in connection with the functions of the City not otherwise assigned to another department and to prepare and maintain engineering records of the City.

(5) Inspection, operation, maintenance and construction of City parks, facilities and equipment; conduct a tree program.

(6) Perform such other duties as may be required by the City Manager."

Section 5. That this ordinance shall take effect upon its publication.

Dated this 5th day of June, 2006.

Jerome S. Miller

Mayor

Attested By:

Monica Hennessy Mohan
City Clerk